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COURT OF APPEALS

Two Nominations Sent to the Senate.

SHEPARD CHIEF JUSTICE

CHAS. H. DUELL GIVEN THE VACANCY ON THE BENCH.

Latter Was Formerly Commissioner of Patents—Both Appointments Seem Satisfactory.

The President today sent to the Senate the following nominations:

Chief justice of Court of Appeals, Seth Shepard of Texas; justice of Court of Appeals, Charles H. Duell of New York.

Attorney General Moody announced after the cabinet meeting today that President Roosevelt had decided to nominate Associate Justice Seth Shepard of the Court of Appeals of the District of Columbia to succeed Chief Justice Richard H. Duell, who is retiring, and that Charles H. Duell of New York had been selected as associate justice to fill the vacancy caused by the promotion of Justice Shepard.

The nominations were sent to the Senate shortly after the President had conferred with Attorney General Moody about them. They caused surprise and interest, as the speculation had not taken in Mr. Duell's name, and had barely touched upon the probability that Justice Shepard would become chief justice.

Justice Shepard was appointed as one of the justices of the court April 15, 1893, at the same time Chief Justice Alvey was appointed. In fact, all the judges of that court were appointed at that time, and there have been no changes since then. Chief Justice Alvey's retirement is the first change in the court since these appointments eleven years ago.

Mr. Chas. H. Duell.

Charles H. Duell, nominated today by the President to be associate justice of the Court of Appeals of the District of Columbia, was backed for this position by Senator Platt of New York. Senator Platt saw the President personally in regard to Mr. Duell's appointment, and the President agreed with the New York senator that Mr. Duell would make an excellent member of the District Court of Appeals.

Mr. Duell is the son of R. Holland Duell, who was one of the first commissioners of patents, and about six years ago his son, Charles H. Duell, was also appointed commissioner of patents, and at that time, three years, giving it up because he did not feel warranted in sacrificing his interests in patent law for the salary he received as commissioner. His work as commissioner of patents was approved generally, although he held the office but a short time.

During the recent campaign Mr. Duell was assistant national committee, and rendered efficient service at the headquarters in New York city. He is a friend of Senator Platt, who knew his father, who was also a republican.

Charles Holland Duell is a native of Maryland. He was born April 13, 1850. He received his preliminary education in the schools of his native town, and then attended Hamilton College, from the college department of which he was graduated in 1871. During his last years at the college he took a course in law, and was elected to the position of law school editor. He was a member of that branch of the institution in 1872. Mr. Duell entered upon the practice of his profession in New York city, and after being graduated from college and took an active interest in politics. Always a republican, he rapidly came to the fore politically, and was elected to the New York legislature in 1878 and 1880 to represent his assembly district. As his father had done, he made a specialty of patent cases in his law practice and rapidly attained eminence as a patent lawyer.

He was appointed commissioner of patents by President McKinley in 1898 and held office until 1901, when he resigned to resume the practice of his profession. Mr. Duell is very well known in this city where he passed four years of his life as a government official, and where he has spent much of his time doing his duty. He has been called upon to represent the government in cases before the patent office and the Court of Appeals. The District Court of Appeals has jurisdiction over patent cases, and the body to which appeals are taken from the decisions of the commissioner, and the appointment of Mr. Duell to the bench is very satisfactory for the reason that he is a very capable man.

Opinions of Members of the Bar.

The announcement that the President had selected Associate Justice Seth Shepard for the chief justiceship and Mr. Charles H. Duell for Mr. Justice Shepard's successor as associate justice of the Court of Appeals of the District of Columbia was telephoned to the city hall immediately after the receipt of the nominations at the Capitol.

"You will have to travel a long way to find anybody who is not delighted because Mr. Justice Shepard is to be chief justice," declared Attorney John C. Head, and a number of others within hearing acquiesced in the assertion.

Mr. Justice Shepard is extremely popular at the City Hall and in the neighborhood of the local temple of justice. It may be truthfully said that the President's decision to be created when Mr. Chief Justice Alvey retires meets with practically unanimous approval of the bar.

The Court of Appeals was not in session today and none of its members was at the city hall. Mr. Henry W. Hodges, the clerk of the court, however, received a large number of visitors, each of whom eagerly inquired: "Is it true?"

Upon receiving a reply in the affirmative the next remark was usually: "That's great!" or words equally as expressive. As regards Mr. Duell, little was said about the court house, for the reason that he is not known to the bar. It was merely noted, though, that it will be an excellent thing to have a well-grounded patent lawyer a member of the Court of Appeals, for the reason that he is called upon to consider and pass upon a great many cases appealed from decisions rendered by the commissioner of patents.

Patent lawyers, as a rule, visit the city hall only at long intervals. Only a very few of the members of the bar in attendance today were acquainted with Mr. Duell, but Mr. J. N. McGill, formerly a member of the bar, who has been practicing law for many years, and who has been called upon to consider and pass upon a great many cases appealed from decisions rendered by the commissioner of patents, said that the selection of Mr. Duell for a place on the local appellate bench was an excellent one.

Commission to Meet Tuesday Next.

PARIS, December 16.—The meeting of the international commission to inquire into the North sea incident has definitely been fixed for 9 o'clock next Tuesday morning at the foreign office.

RAILROAD RATES

Question of Government Supervision of Them.

OPINION AT CAPITOL

NOT LIKELY TO BE ANY DEFINITE ACTION THIS SESSION.

May Lead to Joint Committee to Investigate the Subject—Senate Hearing Today.

Well-posted statements at the Capitol said today that while there may be considerable agitation during the present session of Congress of the subject of governmental review of railway rates, there is not likely to be conclusive action between now and the 4th of March. It is quite possible, however, they said, that the discussion of the subject at this session may lead to authorization of an inquiry by a special committee of the House and the Senate committee on interstate commerce during the recess.

It was predicted with equal emphasis by these statements that Congress at its next session will be compelled by public pressure to deal with this question of railroad rates. These men went on to say further that the proposition to vest the interstate commerce commission with increased powers in the premises is daily meeting with less favor, and that if Congress does anything it is more likely to be along the line of creation of a semi-judicial body to review and arbitrate rates.

The Court Idea Not New.

Senator Elkins has not yet introduced his bill for the creation of a court, and it is not known when he will have it ready. Senator Elkins' plan is not new, as the files of the Senate contain a bill introduced January 31, 1893, embodying the Elkins idea. As the present agitation has his hoisted in Wisconsin, so did this bill come from that state. It was offered by Senator Sawyer, and the interpolation of the two words, "by request," shows that Senator Sawyer was not ready to stand sponsor for the measure.

The bill contains eighteen sections. It of course must be comprehensive to deal with all the features of such a broad question, and it is pointed out that it would be physically impossible to consider such a bill at the short session of Congress now in session, and it would be wise action upon it.

Senate Committee Hearing.

The Quarles-Cooper bill permitting the interstate commerce commission to fix railroad rates was the subject of a hearing held today by the Senate committee on interstate commerce, at which Edward B. Bacon of Milwaukee, chairman of the executive committee on the interstate commerce law commission, held last summer in St. Louis, was the principal speaker. Mr. Bacon said that in view of the fact that he had appeared before the House committee and the additional fact that the subject had been under consideration for several years, he did not consider a further statement necessary. At the request of the committee he explained the provisions of the bill and in reply to questions gave his opinion as to the operations of the provisions of the bill if it should become a law.

Questioned by Mr. Tillman.

"Then," said Mr. Tillman, "you don't agree with the President, who recommends a rate fixed by the commission shall go into immediate effect?"

In reply the witness said the President had not gone into detail in his message, but Mr. Tillman replied that if he understood the English language he was certain that his construction of the message is correct.

Replying to questions by Senator Cullom he said that the shippers would prefer the suspension of rates for sixty days pending an appeal, with a time limit on appeals to give unlimited time and allowing the rates to go into immediate effect. He said in response to Senator Elkins that in case it should be ultimately decided that the rate fixed by the commission was too low the railroad would be required to pay the count of the loss sustained, but he agreed with Senator Tillman that such a condition could be worse on the railroads than a rate fixed by the commission, and he agreed with Mr. Fuller, representing the railroad labor organizations, made an argument that the body to which appeals are taken from the decisions of the commissioner, and the appointment of Mr. Duell to the bench is very satisfactory for the reason that he is a very capable man.

WORK ON DISTRICT BILL.

Hearings May Be Ended This Afternoon or Tomorrow.

Hearings on the District of Columbia appropriation bill held at the House subcommittee will probably be ended late this afternoon or tomorrow. The bill, however, will not be reported until after the holidays, when it will be taken up as soon as possible. Commissioner Macfarland said today that the body of Commissioners were much pleased and encouraged by the attitude of the appropriations subcommittee and hoped and believed that when the bill was reported to the House it would be satisfactory to the most ardent friends of the District.

CONVENTION HALL.

The Question of Use as Theater Under Discussion.

It is uncertain whether the dove of peace has rested upon the District building, which has been the center of the controversy over the proposed Belasco production at Convention Hall or not, although indications point to a possible settlement of the controversy. The Commissioners were considering the application for a license for the performance of Mrs. Darnelle's "Anders" when Mr. Darnelle, the District assessor, as has been stated in The Star, suddenly issued a license for the performance, which stated in specific terms that the hall might be used for theatrical purposes.

The Commissioners, upon inquiring as to why Mr. Darnelle had taken up and issued a license for the performance, were informed that the issue of licenses was a matter over which the Commissioners had no jurisdiction. Today a conference was held between Engineer Commissioner Biddle and William G. Smythe, representing David Belasco, in which Mr. Belasco stated that he was certain that the alterations in the hall proposed by Mr. Belasco and necessary for the production would be entirely satisfactory to the Commissioners.

He was not able to state in detail the changes contemplated, but he said that the alterations in the hall would be entirely satisfactory to the Commissioners. Mr. Smythe further stated that tomorrow Mr. Belasco's superintendent of construction will meet Col. Biddle, and in company with representatives of the District fire department and the building inspector they will visit Convention Hall and explain exactly the changes to be made. He said that if any changes or precautions in addition to those already planned are deemed necessary by the authorities they will be made.

This whole affair has given rise to a great deal of comment in the city for the question of authority between the assessor and the Commissioners, and the matter of the question of the safety of the public in theaters and places of amusement. It is believed that whether a license has been issued or not the Commissioners will see that the regulations to which every theater in the city is compelled to comply with will be enforced at Convention Hall when that structure is turned into a theater for however short or long a time.



AN OFFICIAL SMOKE NUISANCE.

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MAY BE HEARD MONDAY

Arraignment of Mrs. Chadwick Delayed at Cleveland.

ARE FIVE INDICTMENTS

IN ILL-HUMOR OVER BREAKFAST AND CHANGES RESTAURANT.

Declines to See Any One, but Finally Admits Attorney and Associated Press Representatives.

Nothing Further Today.

She was told that the promised statement she was to make was anxiously awaited by the people of Cleveland, as well as all other parts of the country, and the public interest in the case was again expressed upon her, but she maintained the spirit of resentment against everybody, and especially the newspapers, for printing the interview that President Beckwith had with her yesterday.

Finally Mrs. Chadwick said: "I have made my last statement; I will have nothing to say more of dying before a jury. During the conversation her nurse Freda sat beside her, stroking the prisoner's hair and trying to soothe the enraged woman."

Denies Owing Pittsburgh Banks.

PITTSBURGH, Pa., December 16.—In a telegram to the Pittsburgh Dispatch Mrs. Cassie L. Chadwick denies that she is in debt to any Pittsburgh bank. The telegram says:

"Kindly deny report that I owe money to any Pittsburgh banks. I don't owe them one dollar."

(Signed) "MRS. C. L. CHADWICK."

CALVIN B. THIRSTON DEAD.

Well-Known Western Maryland Politician—Pneumonia Cause of Death.

SPECIAL DISPATCH TO THE EVENING STAR.

HAGERSTOWN, Md., December 16.—Calvin B. Thirston, a republican politician of western Maryland, died at his home here shortly before noon today, aged fifty-three years. His death was due to pneumonia, which developed while he was in Washington about ten days ago.

Mr. Thirston had been in the employ of the government in various capacities for about twenty years. He was an overseer during the construction of the Congressional Library, a clerk in the Senate a number of years, and afterward a building inspector in the District of Columbia. His wife and five children survive him. One of the latter is William Thirston, formerly a page in the House of Representatives, Washington.

C. B. Thirston was a per diem inspector in the District of Columbia for about two years at intervals. He was appointed first in July, 1901.

George Horton to Be Consul at Athens.

In addition to the local nominations, the President sent to the Senate today the nomination of George Horton, Illinois, to be consul at Athens, Greece, and a large number of retired army officers who were advanced one rank by the last army appropriation bill.

George Horton is a well-known author, having written a number of works of fiction and a book on modern Athens. He is a native of New York, a graduate of the University of Michigan, and was appointed consul at Athens by President Cleveland.

Asks for Enforcement of Decree.

Julia Krauss, through Attorney L. J. Mather, today petitioned the Supreme Court of the District of Columbia to enforce in this jurisdiction a decree against her former husband, Otto Krauss, awarding her alimony at the rate of \$50 a month.

The petitioner says she was divorced from Otto Krauss, the provision being that a respondent should not remarry. Mrs. Krauss asserts that Mr. Krauss has remarried, is now living in this city with his second wife, and that the petitioner's alimony has not been paid her since her allowance of \$50 for the month of July last, when he had to transact with her.

Saw Attorney on Private Business.

"It was just private business," he said, "and has nothing to do with her case."

Concerning a dispatch from Cleveland stating that Thomas D. Chantler, an attorney of this city, was named as co-defendant in foreclosure proceedings instituted by the Ellys Savings Deposit Bank against Mrs. Cassie L. Chadwick, Mr. Chantler, in a statement today said:

"The Chicago Tribune has been in the city for some time, and the conference was delayed until the New Yorker had finished his morning meal. Col. Greene, who is the leading promoter of the Greene Consolidated Copper Company, the stock of which declined heavily in the recent bear raid in the stock market, came to this city to reach an understanding with Mr. Lawson, who was charged by the colored with attacking him unjustly."

Lengthy statements appeared in the newspapers of New York, Boston and elsewhere early in the week signed by Messrs. Lawson and Greene in which attacks were made upon each other. The New Yorker then announced that he would come to Boston immediately and demand satisfaction, but his visit was deferred until today. The Boston trader had a friend with him when he reached the hotel. When informed that Col. Greene was in the dining room Mr. Lawson went to his card. The colored continued his meal and sent word to Mr. Lawson that he would see him as soon as he had finished eating.

The Boston man went in the lobby surrounded by a large number of people, including more than a dozen newspaper men. To reporters Mr. Lawson said he had heard Col. Greene was in the city and he concluded to make an early call on him. Col. Greene came out of the dining room at 9:45 and went to his card. Mr. Lawson was on either side. When the New Yorker appeared Mr. Lawson advanced down the corridor to meet him.

Grasped Each Other's Hand.

"How do you do, Mr. Lawson?" exclaimed Col. Greene with a smile as he extended his hand to meet his antagonist's. Mr. Lawson did not smile, but had a serious expression. He had no hesitation, however, in grasping the colored's hand, and to the onlookers the meeting appeared like that of friends. Col. Greene immediately asked Mr. Lawson to go to his room. Mr. Lawson said he would be glad to do so and the two entered the elevator with the two friends of Col. Greene and the two friends of Mr. Lawson. They went up to the room and shut the door, excluding the newspaper men.

Col. Greene entered the room shortly after 10 o'clock sent a note addressed to Mr. Lawson to Col. Greene's room, asking if it could not be arranged to have representatives of the press present at the conference.

In five minutes a written reply was received from the Boston trader, who said he was quite willing to have the reporters in the room, but that Col. Greene would not permit it. Inasmuch as he was in Col. Greene's apartment, Mr. Lawson added he would decline to receive any more notes on the subject. He requested the newspaper men to wait in the lobby. The crowd which had been in the lobby thinned out while the conference was in progress.

Police Inspectors on Hand.